

Docket No.: 45112-045

PATENT

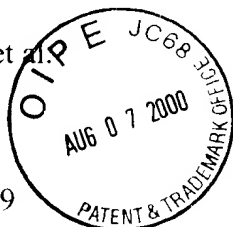
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Steven M. BESSETTE, et al.

Serial No.: 09/455,543

Filed: December 07, 1999



Group Art Unit: 1651

Examiner: Patten, P.

For: CANCER TREATMENT COMPOSITION AND METHOD USING NATURAL PLANT
ESSENTIAL OILS WITH SIGNAL TRANSDUCTION MODULATORS

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Written Restriction Requirement mailed July 6, 2000, Applicants hereby elect, with traverse, Group I (claims 1-14) for initial prosecution on the merits. In response to the Election of Species Requirement, Applicants hereby elect for initial prosecution on the merits the plant essential oil species of eugenol and the signal transduction modulator species of a cAMP/PKA activator (e.g., forskolin).

Applicants respectfully submit that a restriction requirement between patentably distinct inventions is proper only when there is a serious burden on the Patent Office to examine all of the claims in a single application even when it appears that appropriate reasons exist for a restriction requirement. M.P.E.P. § 803. To avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office, Applicant respectfully requests that the above policy be applied in the present application because the subject matter of the pending claims is sufficiently related.

For instance, Group I is directed to pharmaceutical compositions comprising a plant essential oil and a signal transduction modulator. Group II is directed to methods of using the pharmaceutical compositions of Group I. Applicants respectfully submit that a search for the invention(s) of Group I would necessarily overlap with a search for the invention(s) of Group II.

Thus, a thorough search for the subject matter of any one claim of the above-captioned patent application would overlap with a search for the subject matter of the remaining claims such that a search and examination of the entire application can be made without serious burden. Therefore, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

Please grant any extension of time necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees, to Deposit Account No. E50-0417. A duplicate copy of this communication is attached.

Respectfully submitted,

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